

ranking member of the Budget Committee before we did our budget vote earlier this year.

Representative RYAN, Ranking Member RYAN on the Budget Committee had that proposal scored by the Congressional Budget Office. The Texas plan, as applied to the House of Representatives, to the entire 50 States, would yield \$3.8 billion in savings over 5 years' time; not a mammoth amount of money, but when you are talking about a \$2.999 trillion budget savings of any size, moneys that we will leave on the table in this budgetary cycle that could have gone into some other spending priority, I've got to ask you, I've got to tell you, I just frankly do not understand why we would not look more seriously about taking up that type of plan.

Now, on the fourth anniversary of the passage of the Texas plan, I do intend to introduce this legislation. I think it is commonsense legislation that would bring significant relief to our doctors in practice and be a significant source of monetary savings for this House.

If Texas is doing such a good job as a State, why do I even care about it? Why do I even bring up that maybe we ought to look for a national solution?

Well, consider this. A 1996 study done at Stanford University revealed that in the Medicare system alone, that's a system that we pay for, that we have to come up with the money for every year, in the Medicare system alone, the cost of defensive medicine was approximately \$28 to \$30 billion a year.

That was 10 years ago. I suspect that number is higher today. That's why we can scarcely afford to continue on the trajectory that we are on with medical liability in this body and in this country. Again, I frankly do not understand why we will not embrace and capture those savings that are sitting out there within easy reach.

I began this hour talking about the physician workforce, and let me conclude this part of the liability discussion by coming back to the issue of the physician workforce.

No other issue in the practice of medicine, and I speak to you for someone who had a medical license and who still has a medical license, but it was an active practice for over 25 years before coming to Congress. No other issue grates on the sensibilities of a doctor in practice as a constant concern about a medical liability suit. We go into practice to do good work. We go into practice to do good things.

If a mistake is made or if an outcome is bad, it doesn't always mean that the next step has to be a trip to the lawyer's office and going through one of these egregious, emotionally trying lawsuits. That's one of the things that keeps young people away from the practice of medicine. They look at it and they think, well, it will cost me an awful lot to get that education. You know what, those courses are real hard, and by the time I get there, I will have to pay an enormous amount of

money for my liability policy, and I don't even want to think about what it would be like if I actually got sued.

Young people getting out of college, are they considering medical school under those conditions? Unfortunately, a lot aren't.

We are keeping some of our best and brightest young people out of the health care profession because of the burden that we put upon them, the burden economically that we put upon them to get that education, just the burden that the education itself entails. It can't lighten that burden. It takes a lot of effort to study medicine. It takes more effort, I would suspect, here in the early 21st century than it did late in the 20th century when I was in my medical school classes.

But we have to consider the emotional price that we are asking young people to pay if they are go into the practice of medicine. It is within our grasp to reform this system. It is within our best interest as a country to reform this system, and financially, it makes tremendous sense to reform this system.

So I ask other Members of Congress to join me when I introduce this legislation later this month. This, again, is a commonsense, practical approach, proven in the laboratory of the States, my home State of Texas, to be a proven and effective method of reducing the cost of medical liability.

You have been very indulgent this evening.

#### AMERICAN PATENT LAW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRBACHER) is recognized for 60 minutes.

Mr. ROHRBACHER. Mr. Speaker, tonight I would like to raise a red flag to draw attention, the attention of my fellow Members, who are here assembled, as well as those listening on C-SPAN and those who will be reading this in the CONGRESSIONAL RECORD.

On Friday, legislation is scheduled to come to the floor of the House that will have a huge impact on the American people, yet it is receiving little attention. What is it? It is a proposal to dramatically diminish a constitutionally protected right by fundamentally altering America's patent system.

If H.R. 1908, the bill in question, passes, there will be tremendous long-term negative consequences for our country.

Patent law is thought to be so complicated and esoteric that most people tune out once they realize that's what the subject is. Yet our technological genius and the laws protecting and promoting that genius have been at the heart of America's success as a Nation. America's technological edge has permitted the American people to have the highest standard of living in the world and permitted our country to sail safely through troubled waters, the

troubled waters of world wars and international threats.

□ 2300

American technology has made all the difference. And it is the American patent law that has determined what technology, what level of technology development that America has had. Protecting individual rights, even of the little guy, has been the hallmark of our country. Patent rights, the right to own one's creation, are one of those rights that are written into the United States Constitution. In fact, Benjamin Franklin, Thomas Jefferson, George Washington and others, all our Founding Fathers were not only people that believed in freedom, but they also believed in technology and the potential of American genius. Visit Monticello and see what Thomas Jefferson did with the time after he penned the words of the Declaration of Independence and after he served as President of the United States. He went back to Monticello and he spent his time inventing things, inventing pieces of equipment and technologies that would lift the burden from the shoulders of labor.

And then there was Benjamin Franklin, again, a man who participated in the Declaration of Independence as well as the Constitution. He was the inventor of the bifocal. He was the inventor of the stove that kept people warm. Until then people only had fireplaces. He had many other inventions to his name. Yet he was also a man, one of our cherished Founding Fathers, who helped us create this free Nation. He believed in freedom and technology and believed that with freedom and technology we could increase the standard of living of our people, not just the elite, but of all the American people.

We have had the strongest protection system in terms of patents in the world; and that is why, in the history of humankind, there has never been a more innovative or creative people. It didn't just happen. It happened because in our Constitution, our Founding Fathers saw to it that the laws protecting one's intellectual creations, both technology and written communications, that those creative people would own their creations. No, it's not just the diversity of our society that has created the wondrous standard of living that we have all bragged about. This is not simply the diversity of our people and some notion that we have by coming from all over the world that has created the idea that all people should have opportunity and provided our people with opportunity. No, the innovation and progress and opportunity that we've enjoyed in America can be traced to our law, the law that protected the property rights of our people, just as we protected the political, just as we've protected the personal rights of our citizens.

Eli Whitney invented the cotton gin. But he also invented interchangeable parts for manufacturing. How did that

change America? How did that change the world? It uplifted us so people could have different sets of clothing that they could wear. The common person was helped by the fact of America's creative genius. Eli Whitney was a product of the American Constitution.

Cyrus McCormick invented the reaper. Before that people had to carry heavy pieces of equipment, scythes and reapers that were based on human strength and not strength of technology. With the invention of the reaper, people had more food, people had full stomachs.

Samuel Morse invented the telegraph, and from it came, of course, the telephone. And then there was Thomas Edison who invented the light bulb and so many of the other inventions. These were not just accidents. These were created because these people were able to flourish because they had constitutional protections for their rights of their invention.

One segment of our population, black Americans, were prolific inventors. Even at times when their rights were not being recognized, even when they faced major discrimination in our country, and at that time, even then, the issue of patent protection for our black citizens was recognized and because of that, many black Americans excelled in the area of inventions, men like Jan Matzeliger, who invented a machine that was used in shoe manufacturing. And before Matzeliger, and he was a former black slave, before he invented this shoe manufacturing machine, people in this country and all over the world usually wore one or two pairs of shoes for their entire life. And it was he that brought down dramatically, brought down the cost of shoes for the entire population. One of our product American black inventors.

George Washington Carver, a world respected scientist and inventor, and so many more in the black community. Why? Because in that era, when blacks were discriminated against, as I say, we actually respected the rights of ownership of black inventors and thus they excelled when their rights were protected.

We are proud of our history of technology, because we know, as Americans, we have, as we have always known throughout our country's history, that these inventions that we're talking about, made by Americans of every background, helped elevate the standard of living of all Americans. It created more wealth, wealth that was created with less labor and less burden on our people. It increased the standard of living of working people in this country so that not only the elite prospered, but all of the people had a full belly and clothes for their children.

The opportunity of all people who are part of the American brotherhood and sisterhood, the well-being of those people can be traced, not just to our diversity, which is something we celebrate, but also to the constitutional protection of our rights. And one of those

rights which is so often overlooked is the right of people, the creators of new ideas, to own those ideas, whether we're talking about the written word or whether we're talking about technological advances.

And then of course, when we're talking about this, how can anyone forget the Wright brothers. The Wright brothers. We remember the Wright brothers. They were two guys who worked in a bicycle shop. They ended up inventing something just less than 100 years ago, or just about 100 years ago actually, just a few more years than 100 years ago, and they were told, 110 years ago that it was impossible for them to make this invention. Yet, they went ahead. The elites were telling them it was impossible. They went ahead and they spent their own money, their own time. They saved up. They had very little capital. They were the ultimate little guys, and they moved ahead and they did finally receive a patent because they changed the future of humankind, because they were the ones, of course, who took us from our feet planted on the ground to taking us off the ground and putting us on the road to the heavens. Just two ordinary Americans.

We Americans are proud that with our opportunity all people have a chance and all people can help pull the rest of us up into the heavens like the Wright brothers.

It was not only the raw muscle of every American. And so often people mistakenly think that human progress is a result of whether people work hard or not. That is not why people have higher standards of living. There are many people all over the world who work hard. They work strenuously hard. They work 15 hours a day. Their jobs are grueling. But no matter how hard they work, their society doesn't progress. Their families don't live any better.

No, hard work is not the only thing. Yes, hard work is part of it, but ingenuity and creativity, the intellectual part of the equation is vitally important to the success of any nation. And, yes, the legal system is also a vital part of that formula that will lead to uplifting all of humankind and can be seen in the example of the United States. So, yes, Americans work hard, just as others have. But Americans had their rights protected under law. And that's what permitted the innovators and the creators and the technologists to thrive in this country and what pulled the standard of living of all of our people up. What was established was a system in our Constitution and with our laws and our patent system that would protect ingenuity and creativity.

We treated intellectual property, the creation of new technologies, as we treated property, as we treated personal, and as we've treated political, rights. And that is what America is all about.

Every person has rights. Now, we didn't always live up to that dream;

and, yes, there was discrimination, terrible discrimination against black citizens and we always have to recognize that. And against Indian Americans and others. But we have tried our best, and we are moving forward trying to perfect our system.

But every American, every American has benefited by the fact that our technologies have been protected under constitutional law; and thus our creators, our creative population has managed to bring about a higher standard of living and opportunities for all Americans.

Today we face a great historical challenge. And this challenge comes at exactly a time when our country is threatened from abroad economically, as never before. We must prevail over our economic competitors and adversaries, or the American people will suffer.

There are people who think of themselves at war with us. We know that radical Islam thinks they're at war with us. But we also have people who think they're at war with us economically. They're at war with the well-being of the American people. They see us and the well-being of our people as their target. We must win this war, this economic competition that we are entering, this economic competition based not on hard work but on technology and creative genius; and if we do not win this war, our people will lose. Our people will lose especially if we permit the technology and creative genius of our people to be stolen by people who are our economic adversaries and to be used to outcompete our own people. If we lose this battle, our people will suffer. Future generations will see their standard of living decline, as well as the safety and strength of our country. If we do not remain technologically superior, we will find that in the future the livelihood of our people and the safety of our country will be in jeopardy.

Our economic adversaries, and their allies within the American business community, and let us note that, that our economic adversaries have allies in multinational corporations, many of them who are, what, part of the American business community. But these economic adversaries are engaged in a systematic attack on our well-being, and thus they have noticed one of the strongest and most important elements of America's success has been the patent protection that we have offered the American people.

Today, multinational corporations, some based here in the United States, run by an elite whose allegiance is to no country, these people have tremendous influence near the Nation's Capitol. You can see it when it comes to China policy. You can see it when it comes to trade policy. And, now, in their attempt to undermine patent protections, you can see that in this effort to undermine the constitutional patent protections that our people have enjoyed for over 200 years.

There is a corporate elite at play who don't give it a second thought to move their manufacturing operations to China. Now, here you've got Americans supposedly, American businessmen. They're moving their manufacturing to a country run by a Marxist dictatorship. This corporate elite betrays American values and betrays the American working people themselves. What? Why do they do this?

Well, they would rather exploit Chinese slave labor with the full cooperation of a dictatorial Chinese regime, than they would pay the market rate for the American working person and as well, which is part of the price, of course, of having a free society in which they are protected here at home. Yet, they would go to China and make a deal with the world's worst human rights abuser to set up a manufacturing unit there. And this very same elite will do that and betray the American worker in order to make a 25 percent profit rather than a 10 percent or a 5 percent profit at home, while at the same time the American working people will get their share of the benefit because they're working in that company. No, the American corporate elite that goes to China would rather do that. Many of them, by the way, are part of the electronics industry, as we know. The electronics industry has moved in a big way to China. They've even, in fact, claimed that, oh, well if we just have more interaction economically with China, that, what will happen? Well, China will evolve into a democratic society.

Yet, these same corporate leaders, supposedly Americans, help the Chinese Government set up a computer system that will aid them in tracking down democratic opponents of the dictatorship. We know now that the Falun Gong in China is suffering immense repression, as are other believers in God. Yet, we have a business elite that doesn't blink an eye at that and goes there and invests their technology and their capital in creating manufacturing there.

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Well, people who will do that won't think twice about stealing a small inventor's or a little guy's invention so that they won't have to pay royalties to that American inventor. Why should they? If they are willing to deal with the tyrants and the gangsters in China and betray the American workers, why would they care about giving royalties to some inventor? And what are they doing? They are helping steal the American inventors' products without giving the royalties, and, worse, they are taking it to China to use in manufacturing facilities over there that will even put more Americans out of work here.

How could any American do that? Well, they aren't Americans. What they are, if you get right down to it, they are globalists. Yes, people have to understand that here we are, our coun-

try has evolved into now this new dichotomy of globalists versus patriots.

Well, put me on the side of the patriots. We are supposed to be watching out for the interests of the American people. We are not supposed to be watching out for the American business elite any more than we are supposed to be watching out for the American worker. They are supposed to have equal rights. And one of those rights has been the protection of intellectual property. But the business and corporate elites that want to move to China, the same ones who are behind this legislation, H.R. 1908, the electronics industry, want to steal the technology being developed by the little guy in America so they won't have to pay royalties. That is what it comes down to. And these same people who are building the factories in China, the same people who are giving technology to China, the same people now who want to take the ideas of American inventors and take them to China and elsewhere without having to pay royalties, these are the people behind 1908.

The justification for this attack on the patent system, guess what, it is called harmonization of our laws with the rest of the world. If you ask those people why do we have to make these fundamental changes to our patent law? Our patent law has been there for 200 years. They will tell you that we have to harmonize our law with the rest of the world and our laws are totally different.

We cannot permit corporate elitists who consider themselves globalists to mold our policies, especially if it means diminishing the legal protections for our American citizens, especially those inventors and creative people who are coming up with the technologies that Americans are going to need to have if our country is to be prosperous and secure in the future.

If the globalists are successful, 20 years from now our citizens will wonder what hit them. Pearl Harbor happened in a moment. Our people woke up to the threat and they mobilized. Today it is happening slowly, and the attack is less evident. But rights are being eroded by the changes in our law that will cause a decreasing standard of living to our people and damage our way of life, and that damage will be devastating to the American people in years ahead, and they will never know what hit them. This attack is being conducted not by bombers in Pearl Harbor and Hawaii, but it is being done by lobbyists in the Nation's capital who are out to pillage our wealth and transfer that wealth and power overseas. You see it everywhere.

Who is watching out for the interests of the American people? We will let the public determine that. But first we have to get the public's attention. And these moves on this patent bill have been so quiet. The vote is going to be Friday, H.R. 1908. They are going to try to slip this by. One of the steps necessary for them to transfer the wealth

and to cut down this dominance that the American people have over the global economy, one of the things they have to do to achieve that goal so we are harmonized with the rest of the world is to destroy our patent system and make it like the patent system from other countries.

Lobbyists have been hired by well-heeled multinational corporations and by companies who no longer have any desire to pay for the use of technology that has been developed by other American citizens, little guys. They, of course, are not saying we are out to destroy the patent system. They will be aghast when they hear that I am suggesting they want to destroy the patent system. They know that is what it is, but they will act like they are aghast.

Now, there are lots of flaws in our patent system. We hear about a widespread problem, and there are some problems. But we know that many of the problems are just being exaggerated. For example, we hear horror stories concerning companies that are tied up for years in court and eventually have to relent to trial lawyers in terms about delays in the system. We hear about that. We hear about examiners who are overworked, which is true. Our patent examiners are heavily overworked. They aren't getting the training they need, and they are not getting the pay they deserve. So we have got some problems in our patent system that we need to take care of. But that has nothing to do with H.R. 1908.

In reality, of course, some of these problems aren't real. Patent lawsuits are not a major problem, as people are claiming they are. Between 1993 and 2005, the number of patent lawsuits versus the number of patents granted has been steady at around 1.5 percent. In fact, in 2006 only 102 patent cases actually went to trial. So when they say we have got to do this to correct the lawsuit problem, there isn't a major lawsuit problem.

But there are real problems that need to be solved. Our patent examiners, as I said, are overworked and they are underpaid. They need to be trained. More money that comes from people buying patents, we need to keep that right at the patent office and train those patent examiners and give them the money they need so we can hire the top quality people.

Unfortunately, the legislation making its way through the system does not correct the problems. The problems are being used as an excuse, but the proposed changes that we are talking about here are not dealing with the problems. So there must be some other goal of this legislation.

So let's understand we need patent legislation that speeds up the patent process, provides training and compensation for the patent examiners, and helps us protect our inventors against theft. Yes, we need to help our inventors protect themselves against foreign threat and, yes, even domestic

threat. And we need to put some work into patent reform which will protect our inventors. Well, the bill that we are talking about has nothing to do with that. A bill that handled those goals would be justified and welcomed.

Unfortunately, what we are witnessing is a replay of the illegal immigration strategy. The American people are crying out for protection against a virtual invasion of illegal immigrants into our country. The special interests who benefited by this flood of illegals tried to push an immigration bill through the Congress that would have made the situation worse. That's right. They had a bill in the name of illegal immigration reform that would have made it worse. To confuse the public, they kept calling it a "comprehensive" bill as if it was designed to fix the problem. Instead, it was designed for one thing and one thing only. The comprehensive bill for illegal immigration was designed to give amnesty to all those illegals who came here illegally, which would have attracted, had we given them that amnesty, tens of millions of more illegals into our country. So it would have made it worse. But with a straight face, those who were advocating illegal immigration reform kept calling it a "comprehensive" plan even though they knew that implied they were reforming the system to make it better when, in fact, they were going the opposite direction of what the vast majority of people knew was the problem. And the problem was what? A huge influx of illegal immigrants into our country, and giving amnesty would have made it worse.

Well, the same strategy is seemingly being used by those who are behind the effort to destroy the American patent system. So you will never hear them say they want to destroy the American patent system the same way that the advocates of comprehensive immigration would never admit what they were doing was amnesty. No, they are out to destroy the patent system as it has worked since the founding of our country. Instead of arguing their case, they are simply calling it a "comprehensive" bill. Does that sound familiar? A "comprehensive patent bill," that makes it sound like you are going to make it better. No, you are out to destroy the patent system. A "comprehensive immigration bill," that sounds like you want to end this immigration influx into our country. No, it is going to make it worse. Well, that is why the American people are a little bit confused.

Who is watching out for the American people? The American people have got to pay attention to this.

This bill, H.R. 1809, is similar to the one that we barely beat back 10 years ago. I called that the "Steal American Technologies Act," and that was back 10 years ago. And, believe me, we were up against the most powerful corporations. We were just a ragtag group of people. Marcy Kaptur on that side of the aisle and Steny Hoyer helped us

out as well, Don Manzullo and myself and just a couple others. We fought these special interests, and no one thought we had a chance. But we won. And we won because the American people got wind of what was happening, and we won. We beat it back, and that was in 1997. But here we go again with a bill that looks almost exactly like that bill in so many ways. So I will just call H.R. 1809 the "Steal American Technologies Act, Part Two."

First and foremost, we have to, of course, look at what does H.R. 1908 do? First and foremost, it is designed to weaken the patent protection of the American inventor. So let's just note that right off. The purpose of the bill is to weaken the patent protection, the constitutional rights that the American inventor has had since the founding of our country.

I support real reform, as do the others who oppose this bill, but the proposed changes in H.R. 1908 will cause the collapse of the American patent system, the system that has sustained America for 200 years, and that is the real purpose behind this bill. Make no mistake about it.

For the RECORD I would submit a list of those major people and organizations who are opposed to the bill, Mr. Speaker.

At this point in my remarks, I submit that list for the RECORD.

#### ORGANIZATIONS AND COMPANIES WITH OBJECTIONS TO BERMAN PATENT LEGISLATION (H.R. 1908)

3M, Abbott Accelerated Technologies, Inc., Acorn Cardiovascular Inc., Adams Capital Management, Adroit Medical Systems, Inc., AdvaMed, Advanced Diamond Technologies, Inc., Advanced Medical Optics, Inc., Advanced Neuromodulation Systems, Inc., Aero-Marine Company, AFL-CIO, African American Republican Leadership Council, AIPLA—American Intellectual Property Law Association.

Air Liquide, Air Products, ALD NanoSolutions, Inc., ALIO Industries, Allergan, Inc., Almyra, Inc., AmberWave Systems Corporation, American Conservative Union (The), American Intellectual property Law, Association (AIPLA), American Seed Trade, Americans for Sovereignty.

Americans for the Preservation of Liberty, Amylin Pharmaceuticals, AngioDynamics, Inc., Applied Medical, Applied Nanotech, Inc., Argentis Pharmaceuticals, LLC, Arizona BioIndustry Association, ARYx Therapeutics, Ascenta Therapeutics, Inc., Association of University Technology Managers (AUTM).

Asthmatx, Inc., AstraZeneca, Aware, Inc., Baxa Corporation, Baxter Healthcare Corporation, BayBio, Beckman Coulter, BIO—Biotechnology Industry Organization, BioCardia, Inc., BIOCUM, Biogen Idec, Biomedical Association, BioOhio, Bioscience Institute, Biotechnology Council of New Jersey.

Blacks for Economic Security Trust Fund, BlazeTech Corporation, Boston Scientific Corporation, Bridgestone Americas Holding, Inc., Bristol-Myers Squibb, BuzzLogic, California Healthcare Institute, California Healthcare Institute (The), Canopy Ventures, Carbide Derivative Technologies, Cardiac Concepts, Inc., CardioDynamics, Cargill, Inc., Cassie-Shipperd Group (The), Caterpillar, Celgene Corporation, Cell Genesys, Inc., Center 7, Inc., Center for Small Busi-

ness and the Environment (The), Centre for Security Policy, Cephalon, CheckFree, Christian Coalition of America.

Cincinnati Sub-Zero Products, Coalition for 21st Century Patent Reform (The), Coalitions for America, CogniTek Management Systems, Inc., Colorado Bioscience Association, Conceptus, Inc., CONNECT, Connecticut United for Research Excellence, Cornell University, Corning Incorporated, Coronis Medical Ventures, Council for America, CropLife America, Cryptography Research, Cummins-Allison Corporation.

Cummins Inc., CVRx Inc., Dais Analytic Corporation, Dartmouth Regional Technology Center, Inc., Declaration Alliance, Deltanoid Pharmaceuticals, Digimarc Corporation, DirectPointe, Dow Chemical Company, Dupont, Dura-Line Corporation, Dynatronics Co., Eagle Forum, Eastman Chemical Company, Economic Development Center, Edwards Lifesciences, Elan Pharmaceuticals, Inc., Electronics for Imaging, Eli Lilly and Company, Ellman Innovations LLC, Enterprise Partners Venture Capital, Evalve, Inc.

Exxon Mobile Corporation, Fallbrook Technologies Inc., FarSounder, Inc. Footnote.com.

Gambro BCT, General Electric, Genomic Health, Inc., Gen-Probe Incorporated, Genzyme, Georgia Biomedical Partnership, Glacier Cross, Inc., GlaxoSmithKline, Glenview State Bank, Hawaii Science & Technology Council, HealthCare Institute of New Jersey, HeartWare, Inc., Helius, Inc., Henkel Corporation, Hoffman-LaRoche, Inc.

iBIO, Imago Scientific Instruments, Impulse Dynamics (USA), Inc., Indiana Health Industry Forum, Indiana University, Innovation Alliance, Institute of Electrical and Electronics Engineers (IEEE)-USA, InterDigital Communications Corporation, Inter-molecular, Inc., International Association of Professional and Technical Engineers (IPFTE), Invitrogen Corporation, Iowa Biotechnology Association, ISTA Pharmaceuticals, Jazz Pharmaceuticals, Inc., Johnson & Johnson, Leadership Institute (The), Let Freedom Ring, Life Science Alley, LIT-MUS, LLC.

LSI Corporation, Lux Capital Management, Luxul Corporation, Maryland Taxpayers' Association.

Masimo Corporation, Massachusetts Biotechnology Council, MassMEDIC, Maxygen Inc., MDMA—Medical Device Manufacturer's Association, Medical College of Wisconsin, MedImmune, Inc., Medtronic, Merck, Metabasis Therapeutics, Inc., Metabolex, Inc., Metabolix, Inc., Metacure (USA), Inc., MGI Pharma Inc., MichBio, Michigan Small Tech Association, Michigan State University, Millennium Pharmaceuticals, Inc., Milliken & Company, Mohr, Davidow Ventures, Monsanto Company, Motorola.

NAM—National Association of Manufacturers, NanoBioMagnetics, Inc. (NBMI), NanoBusiness Alliance (The), NanoInk, Inc., NanoIntegris, Inc., Nanomix, Inc., Nanophase Technologies, NanoProducts Corporation, Nanosys, Inc., Nantero, Inc., National Center for Public Policy Research, Nektar Therapeutics, Neonix, Inc., Neuro Resource Group (NRG), NeuroNetics, Inc., NeuroPace, New England Innovation Alliance, New Hampshire Biotechnology Council, New Hampshire Department of Economic Development, New Mexico Biotechnical and Biomedical Association, New York Biotechnology Association.

Norseman Group (The), North Carolina Biosciences Organization, North Carolina State University, North Dakota State University, Northrop Grumman Corporation, Northwestern University, Novartis Corporation, Novasys Medical Inc., NovoNordisk, NUCRYST Pharmaceuticals, Inc. NuVasive,

Inc., Nuvelo, Inc., Ohio State University, OpenCEL, LLC.

Palmetto Biotechnology Alliance, Patent Café.com, Inc., Patent Office Professional Association, Pennsylvania Bio, Pennsylvania State University, PepsiCo, Inc., Pfizer, PhRMA—Pharmaceutical Research and Manufacturers of America, Physical Sciences Inc., PointeCast Corporation, Power Innovations International, PowerMetal Technologies, Inc., Preformed Line Products, Procter & Gamble, Professional Inventors' Alliance, ProRhythm, Inc., Purdue University, Pure Plushy Inc., QUALCOMM Inc.

QuantumSphere, Inc., QuesTek Innovations LLC, Radiant Medical, Inc., Rensselaer Polytechnic Institute, Research Triangle Park, NC, Retractable Technologies, Inc., RightMarch.com, S & C Electric Company, Salix Pharmaceuticals, Inc., Sangamo Biosciences, Inc., ScanDisk Corporation, Semprius, Inc., Small Business Association of Michigan—Economic Development Center, Small Business Exporters, Association of the United States (The).

Small Business Technology Council (The), Smart Bomb Interactive, Smile Reminder, SmoothShapes, Inc., Solera Networks, South Dakota Biotech Association, Southern California Biomedical Council, Spiration, Inc., St. Louis University, Standup Bed Company (The), State of New Hampshire Department of Resources and Economic Development, Stella Group, Ltd. (The), StemCells, SurgiQuest, Inc.

Symyx Technologies, Inc., Tech Council of Maryland/MdBio, Technology Patents & Licensing, Tennessee Biotechnology Association, Tessera, Inc., Texas A&M, Texas Healthcare, Texas Instruments, Three Arch Partners.

United Technologies, University of California System, University of Illinois, University of Iowa, University of Maryland, University of Michigan, University of Minnesota, University of New Hampshire, University of North Carolina System, University of Rochester, University of Utah, University of Wisconsin-Madison, US Business and Industry Council, US Council for International Business.

USGI Medical, USW—United Steelworkers, Vanderbilt University and Medical Center, Virent Energy Systems, Inc., Virginia Biotechnology Association, Visidyne, Inc., VisionCare Ophthalmologic Technologies, Inc., Washington Biotechnology & Biomedical Association, Washington University, WaveRx, Inc.

Wayne State University, Wescor, Inc., Weyerhaeuser, Wilson Sonsini Goodrich & Rosati, Wisconsin Alumni Research Foundation (WARF), Wisconsin Biotechnology and Medical Device Association, Wyeth.

That list includes some large companies. It includes biotech companies, for example, who are putting out so much of the technology that we will need for the future. It includes pharmaceuticals who know that there are companies around the world who are waiting to steal the product after they have spent hundreds of millions of American dollars into developing new pharmaceuticals. Almost all of our major universities are against this patent bill because they themselves are developing new technologies and they know that the new patent bill will undermine, undermine, their efforts to create these new technologies and to benefit from the technologies, as they should because they are the creators. The patent examiners are against this legislation. Labor unions are against this. The

AFL-CIO is against this legislation. That is why we have another bipartisan coalition with Ms. KAPTUR and Judge Hastings and others who are on our side in this battle. It is a bipartisan Republican-Democrat coalition. It is the patriots versus the globalists.

□ 2330

So why are so many opposed to it? Perhaps it's easiest to understand the issue, because if you talk about what this bill does in terms of disclosure, and what does that mean, in this bill it's called publication.

From the founding of our country until recent years, it has been mandated that every patent application be held confidential until the patent was issued. So if you're an inventor and you've got an idea and you've developed it, you filed the application; but you know that that's going to be held secret. In fact, patent examiners could be put in jail for felonies if they release that information.

Well, this, of course, is dramatically different than the rest of the world. In the rest of the world, after 18 months, in Japan and Europe, if you file for a patent, even if you don't get the patent, they're going to publish it for everybody to see. And the inventor is so vulnerable, they have to give up usually almost all the rights to the things they've invented. That's why you don't see the Japanese inventing many things; they perfect things, but they don't invent them.

In short, this bill, H.R. 1908, the Steal American Technologies Act, the sequel, now get into this, this is really important and it's easy to understand. This bill would eliminate the right of confidentiality to American inventors. What does that mean? H.R. 1908 would mandate the publication of all patent applications 18 months after the patent is applied for whether or not the patent has been granted.

Does everybody understand what we're talking about here? We're talking about American inventors up until now have known, if they so chose to do this, they would not have to reveal their secrets until the patent was given to them. Thus they had some legal protection. This bill will take that right away from the American inventors so that if they apply for a patent on very sophisticated technological breakthroughs, the Chinese, the Indians, the Japanese, the Koreans, they will have all have the information and be in manufacturing before our small inventors even get their patent.

With the Steal American Technologies Act, does that sound like that's what I'm describing? That's exactly what we're describing. We are inviting the foreign thieves to come in and take our most precious technological advances and use those technologies against us to put our people out of work. That's why the labor unions are against this bill. That's why the Democratic Party should be against this bill and the Republican

Party should be against it. That's why patriots should be against it. It is easy for everyone to understand that.

Those pushing H.R. 1908 want China, Japan, Korea, India and others to have every detail of developing technologies and of our creative ideas even before the patents have been issued. This legislation will facilitate China, India, and other countries in their efforts to steal our creative genius. First they will say, oh, well the inventor then could come back and sue these companies overseas who are using their creation that they've gotten by taking it from the information that was published. Oh, give me a break. Does anyone really believe that an American inventor can go to China or India and can sue after they've been in production for years? They can't even get the information of how much has been produced over there at that time. So, yes, this is the Steal American Technologies Act, and we have got to stop them.

Secondly, this bill changes the fundamental concept of the American patent system, another fundamental concept which this will end up with very dramatic and confusing consequences, although it is a little hard to understand. Traditionally, ownership rights go to those inventors who were the first ones to invent the technology in question. That does not necessarily mean that they were the first one to actually file some type of patent application that dealt with that particular issue or that particular type of technology. No. If someone actually had an invention of a machine, their patent, if they actually invented it and they could prove that, it wasn't the first to file that counts, it was the person who actually invented something. That was a principle in our system. And basically what it did is it prevented businesses and individuals from having to, for every time they made a little bit of progress, to go out and try to apply for another patent.

Because with this system, what this bill will do, it will make sure that businesses now will be flooding the Patent Office every time they make one little step forward towards an eventual goal, rather than waiting for the goal to be achieved and have a complete new system that can be justified to have a patent.

So the people of the Patent Office believe that this change, which seems innocuous, from something that has worked well for the United States for 200 years, has worked well for us, and now they want to change it so that we can be like the rest of the world supposedly, while the rest of the world, the only people who can operate at this level are these big multinational corporations, the very elite rich guys. No. We want our regular Americans to be able to operate under this system. And making it first-to-file makes it so much more expensive because you have to apply for so many more patents, the little guy gets frozen out. Of course those people that are pushing this harmonization know that very well. They

just don't care about the little guy because they are Goliath, and the little guy is just a little David down there.

I am very happy that the history of the United States Government is the history of us being for the little guy over the big guy, that we protect the rights of the little guy. That's why our patent law is different than the patent law in Japan, where economic shoguns control their economy.

The third, H.R. 1908 fundamentally changes the legal criteria in which patents can be challenged. It provides numerous ways in which large companies, foreigners, and other infringers can attack and add costs to the inventors. So we've added all sorts of new ways for those guys to come in and attack that small inventor. We have opened up the system to the point where the inventor can be attacked before the patent has been granted, and also, the inventor can then, also with this legislation, be attacked after the patent has been granted. And this again changes those rules by offering new avenues to attack the small guy. Of course the big guys don't care; they've got lots of lawyers working for them. What this will mean is the big guys can beat down the little guys just like they do in Japan. Don't we want to harmonize with Japan? Don't we want to have a society like Japan where ordinary citizens never dream about increasing their standard of living and rising up and having their children live better? No.

This bill is a catastrophe for the little inventor, and that's why we have so many people who have opposed this bill, but yet it keeps moving forward. It keeps moving forward because there are special interests who will make huge sums of money by not having to pay royalties, especially in the electronics industry, which is different. Remember, they are different, the electronics industry than pharmaceuticals and biotech and the universities and the others and the smaller inventor. Why are they different? Because what they do is they put together a product with many different components, all of which you have to pay a royalty in order to use them. They don't want to pay those royalties. They want to steal it from the little guy. Well, I'm sorry, the electronics industry has to pay for what they use. They're not going to set up a system that undermines the protection that the little guys, that we've had for 200 years in this country.

This bill complicates efforts to establish willfulness on the part of an infringer. So what happens is you have undermined some of the legal criteria used in the case if a small inventor or someone does go after an infringer. This bill changes some of the actual criteria that are being used. It creates a re-examined practice for facilitating attacks by infringers on legitimate patent holders. In short, this bill allows large companies to swallow costs and risks so that it can beat down the rightful owners of technology.

Now, it seems like a horror story to America's inventors, but we are told

what is really going on here, of course, as I keep saying, it's an effort to harmonize our laws. Now, doesn't that sound nice? And doesn't comprehensive reform sound nice? Just like comprehensive reform sounded good for the immigration bill. We knew what that was now, don't we? Comprehensive reform was a way to give amnesty and destroy our protections against illegal immigration without having to ever confront the argument.

This comprehensive reform of the patent system is the same strategy. Yes, they are going to harmonize the law with the rest of the world. That's harmony. That sounds like a wonderful word. And "comprehensive," that also sounds great.

Well, we have had the strongest patent protection of any country on this planet, just as we had the same and the strongest protection for the rights of freedom of speech, freedom of religion, and other rights that we hold sacred. What would happen if in order to harmonize the freedom of religion and freedom of speech for the rest of the world, we were told that the protection of our freedoms that we now enjoy need to be diminished so that they could be harmonized with the rest of the world?

Let's say we could be like the people of Singapore or some other country that is not necessarily democratic, but is not a dictatorship either. What would happen if the American people were told that? What would happen, I would tell you, there would be a revolution through the United States of America. You are not going to diminish the rights of the American people in order to harmonize the law internationally. Forget it. I don't care if it's personal rights, political rights, property rights or technology and creative rights like we're talking about tonight. The patriots in this country are not going to see their rights diminished in order to create a new world order where we can all live in harmony with the elite telling us what to do.

However, the move to harmonize patent law, of course, is going smoothly right now, unlike it would if we tried to say we're going to bring down and diminish all those other rights, because there would be a revolution right now. But with patent law it's going a lot more smoothly.

In fact, it's coming up to a vote Friday and most people have no idea it's coming to the floor, or most Americans and most people even in this body have no idea of the significance of H.R. 1908. Why? Because it's being kept very low key. There's no fanfare. Not many people can even understand it. As I say, they tune out as soon as they hear the word "patent law." All of this, of course, while the freedom and well-being of future generations is being frittered away.

We are on the edge. If this bill passes, it will have dramatic impact on the well-being of average Americans. The fact is we have had the strongest patent rights protection, and that is why

we have had more innovation and a higher standard of living than any other people in the world. The common man here has the opportunity that common people in other parts of the world do not have because America has had technological superiority, and we've had a system based on protecting individual rights, the individual rights of the little guy, not just the big guys.

If our rights to patent protection are diminished, which is what H.R. 1908 will do, if we do that, if we diminish the rights of our patent protection in order to harmonize with the rest of the world, we will end up with the same type of opportunity and the same type of rights that they have in Third World countries.

Is that what we want? Do we want our people to have harmonized rights, new world order so we can all live like they live in Third World countries? Perhaps if someone is a corporate elitist who lives in a gated community, that might sound good. Hey, we can have all kinds of peons just walking around who will do my bidding and I can send my kids to private school. We live behind a gated community, I can actually have a driver and my kids can have nannies and we could have people cleaning up the yard and I can have my manufacturing facility in China, where they don't care if they're polluting the air or not. Boy, I'll tell you, that doesn't hurt those guys because they don't identify, when you say Third World country, they don't say, gee, I would be living worse off, they think it's the other guy, the little guy. And they're right, it's the little guys. Yeah. These people don't even want to pay royalties.

The electronics industry, what this is based on, does not want to pay royalties to the little guys. If you want to see anything more about this, you want to know the historic background of it, go down to the Nation's Capitol and you will find a statue to Philo Farnsworth. Philo Farnsworth was the guy who invented the picture tube. RCA, Mr. Sarnoff, the president of RCA, tried to steal that technology from Mr. Farnsworth because he was just a little guy. And for 20 years they fought it out, the biggest, most powerful corporation. Instead of just paying Mr. Farnsworth a royalty and giving him some credit, they had to steal it from him, to beat him down in the ground and smash him like a bug. But luckily we live in the United States of America. That case went all the way to the Supreme Court; and God bless America, the Supreme Court sided with Farnsworth instead of this RCA that tried to dominate this man who gave them the genius that they needed to make the picture tube work. We wouldn't have had it. They were going in the exactly the wrong direction, but they couldn't even give him the credit.

That's what the corporate elite thinks about us little guys. That's the way they do it. That's why they want to change constitutional protections,



make it a new world order. That's why we have all of this talk about globalism and all these international bodies that we're going to give power to because our corporate elite doesn't feel threatened by that, but each and every American should because none of those people overseas are going to watch out for us.

H.R. 1908 is coming up on Friday. It's a major attack on a constitutional right that's been part of the American system, part of the American system since the founding of your country. It's written into our Constitution.

□ 2345

We cannot make those changes and expect things are going to stay the same. But we beat this before. MARCY KAPTUR, DANA ROHRABACHER, DON MANZULLO and a few others, we beat back this attempt. But we did it because the American people called their congressmen and said, "Don't vote for the H.R. 1908 Steal American Technologies Act." That is what they did before, and we won. We contacted our congressmen.

That is how we beat comprehensive immigration reform. We can beat this bill, too, just like that. We can watch out for America if the PATRIOT Act and we watch out for the little guy together, if all of us come together and watch out for the little guy, all of our rights will be protected. That is what America is all about.

I beg my fellow Members to pay attention to this vote. I beg the American people to pay attention to this vote. There will be dramatic changes in our life and the opportunity our children will face and the safety of our country if we change this fundamental of our law.

Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HOOLEY (at the request of Mr. HOYER) for today and the balance of the week on account of business in the district.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today and until 1:30 p.m. on September 5 on account of medical reasons.

Mr. POE (at the request of Mr. BOEHNER) for today on account of official business.

Mr. SHIMKUS (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending the NATO Parliamentary Assembly in Afghanistan.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today and the balance of the week on account of personal reasons.

Mrs. WILSON of New Mexico (at the request of Mr. BOEHNER) for today on account of illness.

Mr. LUCAS (at the request of Mr. BOEHNER) for today and September 5 on account of family illness.

Mr. ROYCE (at the request of Mr. BOEHNER) for today and the balance of the week on account of illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SOLIS) to revise and extend their remarks and include extraneous material:)

Mr. FRANK of Massachusetts, for 5 minutes, today.

Ms. HERSETH SANDLIN, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, September 5, 6, 7, and 11.

Mr. BURTON of Indiana, for 5 minutes, today and September 5, 6, and 7.

Mr. GARRETT of New Jersey, for 5 minutes, September 5.

Mr. JONES of North Carolina, for 5 minutes, today and September 5, 6, 7, and 11.

Mr. GINGREY, for 5 minutes, today.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 163. An act to improve the disaster loan program of the Small Business Administration, and for other purposes; to the Committee on Small Business.

#### ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by Speaker pro tempore, Mr. HOYER:

H.R. 1260. An act to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the "Claude Ramsey Post Office".

H.R. 1335. An act to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the "S/Sgt Lewis G. Watkins Post Office Building".

H.R. 1384. An act to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the "Buck Owens Post Office".

H.R. 1425. An act to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin 'Rex' Young Post Office Building".

H.R. 1434. An act to designate the facility of the United States Postal Service located

at 896 Pittsburgh Street in Springdale, Pennsylvania, as the "Rachel Carson Post Office Building".

H.R. 1617. An act to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the "Harriett F. Woods Post Office Building".

H.R. 1722. An act to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the "Leonard W. Herman Post Office".

H.R. 2025. An act to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building".

H.R. 2077. An act to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the "George B. Lewis Post Office Building".

H.R. 2078. An act to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer 'O.T.' Hawkins Post Office".

H.R. 2127. An act to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the "Clem Rogers McSpadden Post Office Building".

H.R. 2309. An act to designate the facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the "Frank G. Lumpkin, Jr. Post Office Building".

H.R. 2563. An act to designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the "Major Scott Nisely Post Office".

H.R. 2570. An act to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the "Dr. Karl E. Carson Post Office Building".

H.R. 2688. An act to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the "Dolph Briscoe, Jr. Post Office Building".

H.R. 3006. An act to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes.

H.R. 3311. An act to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the \$100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced her signature to an enrolled bill of the Senate of the following title:

S. 1927. An act to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes.

#### ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 5, 2007, at 10 a.m.